REMARKS

Claims 1-24 remain pending in this application, claims 1-24 have been rejected, and claims 11-15 and 24 have been amended.

Reconsideration of this application in light of the above amendments and following remarks is requested.

I. Objection to the Specification

The specification was objected to as allegedly failing to provide proper antecedent basis for the claimed subject matter. Particularly, the Examiner has objected to the specification for allegedly failing to provide proper antecedent basis for the term "tangible storage medium" appearing in claims 6 and 23.

As the PTO recognizes in MPEP 2163.07(a) (in part):

> **2163.07(a) Inherent Function, Theory, or Advantage**
> *By disclosing in a patent application a device that inherently performs a function or has a property, operates according to a theory or has an advantage, a patent application necessarily discloses that function, theory or advantage, even though it says nothing explicit concerning it.*

The subject application recites the following:

> [V]arious implementations of the invention are realized in electronic hardware, computer software, or combinations of these technologies...implementations include one or more computer programs executed by a programmable computer. In general, the computer includes one or more processors, one or more **data-storage components** (e.g., **volatile and nonvolatile memory modules** and **persistent optical and magnetic storage devices**, such as hard and **floppy disk drives, CD-ROM drives, and magnetic tape drives**)... The computer programs include executable code that is usually **stored in a persistent storage medium** and then copied into memory at run-time. The processor executes the code by retrieving program instructions from memory in a prescribed order...

Subject application, Pages 6-7 **(Emphasis Added)**.

Thus, the application disclosure clearly recites computer programs or software stored on storage components, such as volatile and nonvolatile memory, optical and magnetic storage

devices, such as floppy disk drives, CD-ROM drives, and magnetic tape drives, or other persistent storage mediums - **each of which is inherently a tangible storage medium.** Accordingly, the subject application specification necessarily discloses a tangible storage medium, and withdrawal of the objection to the specification is thus requested.

II. Rejections of Claims 11-15 and 24 Under 35 U.S.C. § 101

Claims 11-15 and 24 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Particularly, the Examiner stated the following:

> Claims 11-15 and 24 recite a system claim comprising a plurality of "facilities" and "modules" for performing various functions. The specification of the present application discloses that "the various implementations of the invention are **realized in ... computer software**". This disclosure would have suggested to one of ordinary skill in the art that the claimed systems are intended to include software-only embodiments. Since the claim is not limited to statutory subject mater, it is non-statutory.

Office Action dated 13 February 2008, Page 6 **(Emphasis Added)**.

Applicants disagree. The application explicitly recites "various implementations of the invention are realized in **electronic hardware, computer software, or combinations of these technologies**" (See Subject Application, Page 6, Lines 47-48).

Further, the recited data-storage facilities and processing modules are clearly described in the subject application (See, for example, Page 3, 3rd paragraph).

Accordingly, withdrawal of the rejection of claims 11-15 and 24 under 35 U.S.C. § 101 is requested.

III. Rejections Under 35 U.S.C. §103

Claim 1

Claim 1 recites the following:

> 1. A method for use in tracking the actions of an Internet user, the method comprising:
>
> loading data from a plurality of transaction logs of a plurality of Internet servers into a database system managed by plural parallel processing modules,

where the data includes an entry for each request to the Internet server, including information identifying which user submitted the request and information identifying the time at which the request was received; and

executing a database query across the parallel processing modules using a moving difference database management function to select from the data all entries associated with a particular user and corresponding to a single session of that user.

Claim 1 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over US Patent Application Publication No. 2002/0042821 to Muret et al. ("Muret") in view of U.S. Patent No. 6,026,394 to Tsuchida et al. ("Tsuchida") and further in view of WO 00/20998 to Miller et al. ("Miller"). Applicants traverse this rejection on the grounds that these references are defective in establishing a *prima facie* case of obviousness with respect to claim 1.

As the PTO recognizes in MPEP § 2142:

> *... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...*

It is submitted that, in the present case, the Examiner has not factually supported a *prima facie* case of obviousness for the following reasons:

Even When Combined, the References Do Not Teach the Claimed Subject Matter

The Muret, Tsuchida, and Miller references cannot be applied to reject claim 1 under 35 U.S.C. § 103 which provides that:

> *A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)*

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, since none of Muret, Tsuchida, or Miller teaches "executing a database query across the parallel processing modules using a moving difference database management function to select from the data all entries associated with a particular user and

corresponding to a single session of that user" as is claimed in claim 1, it is impossible to render the subject matter of claim 1 as a whole obvious, and the explicit terms of the statute cannot be met.

With regard to the claim 1 limitation of "executing a database query across the parallel processing modules using a moving difference database management function to select from the data all entries associated with a particular user and corresponding to a single session of that user," the Examiner has conceded that Muret fails to disclose such a method step (See Office Action dated 13 February 2008, Page 8) and alleges that Miller discloses such a mechanism. Applicants respectfully disagree. With regard to a moving difference database management function, Miller recites the following:

> MDIFF Results Table This table supports the MDIFF function that takes as parameters a table name, one or more value expressions, widths and corresponding sort expression lists, the result column, and the key column for the result set, to derive a new column for each value expression giving the moving difference of the value expression when the rows are sorted by the sort expression list. The moving difference is calculated as the difference between the current value and the Nth previous value, where N equals the width. The moving difference is NULL if there is no Nth preceding row in the table or group.

Miller, Page 25, Lines 26-34.

Here, Miller simply describes a moving difference function for calculating a moving difference of an expression when rows are sorted by a sort expression list. Miller in no manner describes, suggest, or otherwise alludes to executing a database query using a moving difference database management function **to select** from the data all **entries associated with a particular user** and **corresponding to a single session of that user**. Because Muret and Tsuchida are wholly silent with regard to any use of a moving difference database management function, Muret, Tsuchida, and Miller are necessarily deficient from obviating the subject claim limitation of executing a database query across the parallel processing modules *using a moving difference database management function to select* from the data *all entries associated with a particular user* and *corresponding to a single session of that user* because none of the references describe or

suggest the use of a moving difference database management function for identification of entries associated with a single session of a particular user. Accordingly, withdrawal of the rejection of claim 1 is requested.

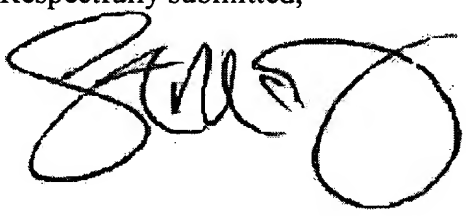
Independent claims 6, 11, 22, 23 and 24 recite similar features as claim 1 and were rejected under similar rationale. Therefore, the same distinctions between Muret, Tsuchida, and Miller and the claimed invention in claim 1 apply for claims 6, 11, 22, 23, and 24. For at least the reasons described above, the Muret, Tsuchida, and Miller references fail to provide a *prima facie* case of obviousness with regard to claims 6, 11, 22, 23 and 24, and withdrawal of the rejection of claim 6, 11, 22, 23 and 24 under 35 U.S.C. 103(a) is respectfully requested.

IV. Conclusion

It is clear from all of the foregoing that independent claims 1, 6, 11, 22, 23 and 24 are in condition for allowance. Dependent claims 2-5, 7-10, and 12-21 depend from and further limit independent claims 1, 6, and 11 and therefore are allowable as well.

An early formal notice of allowance of claims 1-24is requested.

Respectfully submitted,



Steven T. McDonald
Registration No. 45,999

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Teradata Corporation
2722 Creek Crossing Drive
McKinney, Texas 75070
Telephone: 214.566.9362
Docket No.: 9226